REMARKS

In response to the final Office Action dated August 23, 2007, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 6-9 and 19-20 are currently pending in this application. Claims 1-5, 10-18, and 21-24 were previously canceled without prejudice or disclaimer.

Rejection under § 103 (a)

The Office rejected claims 6-9 and 19-20 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,947,966 to Oko, Jr., *et al.* in view of U.S. Patent Application Publication 2001/0027564 to Cowan, *et al.*

Claims 6-9 and 19-24, however, are not obvious over *Oko* and *Cowan*. These claims recite, or incorporate, features that are not disclosed or suggested by the proposed combination of *Oko* and *Cowan*. Independent claims 6 and 9, for example, recite *"receiving a batch of program data associated with the program."* That batch is scanned *"to determine how much of the program data will be blocked."* *"[W]hen an amount of blocked program data exceeds a threshold,"* then the entire program is blocked. Support for such features may be found at least at page 16, line 30 through page 17, line 7 of this patent application. Independent claims 6 and 9 also recite *"receiving control data comprising control instructions to alter a display screen at coordinates specified by the control data."* Support for such features may be found at least at page 4, lines 12-13; at page 12, Table 1; at page 16, lines 17-21; at page 17, lines 1-5; and at page 22, lines 12-16. Independent claim 6 is reproduced below, and independent claim 9 recites similar features.

6.   A method of formulating alternative programming, comprising:

        releasing a plot via a website;
        embedding alternative plots into channels;

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       receiving user votes via the website for the alternative plots;

       tabulating the votes; ~~and~~

       based on the tabulation, sending an instruction to switch to an alternate channel for a particular alternative plot;

       receiving a batch of program data associated with a program;

       scanning the batch of program data to determine how much of the program data will be blocked;

       when an amount of blocked program data exceeds a threshold, then blocking the entire program; and

       receiving control data comprising control instructions to alter a display screen at coordinates specified by the control data.

Oko and *Cowan* do not obviate all these features. *Oko* discloses how users may vote to determine the direction of a program. *See, e.g.*, U.S. Patent 6,947,966 to Oko, Jr., *et al.* (Sep. 20, 2005) at column 2, lines 46-49. *See also id.* at column 2, lines 65-67, at column 3, lines 1-14, at column 3, lines 33-52, at column 6, lines 1-10, and at numerous other places. Users are polled to determine the direction of a program. *See id.* at column 2, lines 46-49, at column 2, lines 65-67, at column 3, lines 1-14, at column 3, lines 33-52, and at column 6, lines 1-10. "After the poll results have been made available to the content provider, the content provider then provides modified broadcast content to the network users." *Id.* at column 5, lines 23-25. "Based upon the votes made, the various content providers will modify the content being sent to the viewing audience ... in real time or near real time." *Id.* at column 6, lines 38-41. A content provider may "have optional content 86, which can be presented to network users depending upon the poll of the network users." *Id.* at column 7, lines 19-21. Other content providers may "make future plans for additional segments and/or productions ... desired by the network users." *Id.* at column 7, lines 24-26. A "smart video server" receives programming from "various sources which have been modified in response to the polling." *Id.* at column 8, lines 10-13.

Cowan discloses a head end unit that can switch between substitute sources of content. A community of viewers may be divided into geographic zones. *See* U.S. Patent Application Publication 2001/0027564 to Cowan, *et al.* at paragraphs [0007] and [0021]. A substitute signal source may be controlled to provide substitute channels. *See id.* at paragraph [0022]. A market
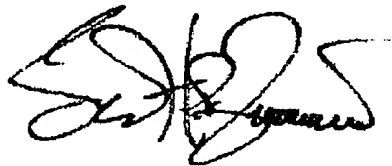
researcher's computer may determine which zone demographically suits a channel. *See id.* at paragraph [0023]. A base band switch may respond to control signals to selectively connect inputs to outputs. *See id.* at paragraph [0028]. A market researcher may control the base band switch. *See id.* at paragraph [0029].

Still, though, *Oko* and *Cowan* do not obviate independent claims 6 and 9. *Oko* and *Cowan* fail to teach or suggest *"receiving a batch of program data associated with the program"* *"scanning the batch of program data to determine how much of the program data will be blocked,"* and *"when an amount of blocked program data exceeds a threshold,"* then the entire program is blocked. Independent claims 6 and 9 also recite *"receiving control data comprising control instructions to alter a display screen at coordinates specified by the control data."* Because the combined teaching of *Oko* and *Cowan* is silent to at least all these features, independent claims 6 and 9 cannot be obvious.

Claims 6-9 and 19-20, then, are not obvious over *Oko* and *Cowan*. Independent claims 6 and 9 recite many features that are not taught or suggested by the proposed combination of *Oko* and *Cowan*. The dependent claims incorporate these same features and recite additional features. Because *Oko* and *Cowan* are silent to all these features, one of ordinary skill in the art would not think that claims 6-9 and 19-20 are obvious. The Assignee thus respectfully requests removal of the § 103 (a) rejection of claims 6-9 and 19-20.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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